

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAMS TRUCKING, INC., <i>et al.</i> ,)	CASE NO. 1:08-CV-02058-CAB
)	
Plaintiffs,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	<u>AGREED PROTECTIVE ORDER</u>
NESTLE USA,)	
)	
Defendant)	

Plaintiff, Williams Trucking, Inc. and Defendant, Nestle USA, Inc. (each of which are individually and/or collectively “the Parties” or a “Party”), by and through counsel, announce to the Court their agreement to the entry of this Protective Order regarding the production of documents which contain confidential, proprietary, internal business information, trade secrets and/or private information or materials for which special protection is warranted against public disclosure and against use for any purpose other than in connection with issues raised by any of the Parties in their pleadings in this action or on appeal.

The Parties hereby acknowledge the limitations on the disclosure and use of such information and hereby agree to the terms of this Protective Order.

IT IS, THEREFORE, ORDERED that documents produced by either Party marked as “Confidential” shall be treated as confidential and may only be used by the Parties or their attorneys as described herein. Said documents shall not be used for any other purpose, nor disclosed to other persons (excluding those specifically set forth in this Order) without leave of this Court and upon finding that such document or documents do not contain such confidential or proprietary information or that the harm ensuing from such disclosure is insubstantial and

outweighed by the public good. The documents shall not be copied or disseminated to persons other than the following: (1) counsel of record and members, associates, and employees of the firm to assist in the prosecution of this litigation; (2) experts and consultants retained by counsel to assist in the prosecution of this litigation; (3) deposition notaries; (4) deponents during the course of their depositions; (5) such officers and/or person regularly employed by each Party whose assistance, advice and consultation will be required by the Party in connection with preparation for trial or at trial of this action; and (6) the Court.

Said documents shall be stamped confidential and need not be filed with the Court as part of the Parties' production of documents. Should any Party seek to file the documents or portions of same with the Court in support of a motion or otherwise as part of this litigation, the documents filed shall be filed in sealed envelopes or other appropriate sealed containers on which shall be endorsed the caption of this litigation, and indication of the nature of the contents of such sealed envelope or container, the word "CONFIDENTIAL", and a statement substantially in the following form:

This envelope containing documents is not to be opened nor the contents thereof to be displayed or revealed except by order of the Court or consent of the Parties.

The producing Party shall retain the original documents, but any Party, by its counsel, shall have the right to examine the original, to be provided with a full and complete copy thereof, and to call for production of the original at the trial of this action. Execution of this Order by any Party or counsel shall not affect the admissibility of any document covered by this Order.

Date: February 6, 2009

~~s/Christopher A. Boyko~~
Judge Christopher A. Boyko

AGREED:

/s/ Thomas T. Yates

BRUCE G. RINKER (Reg. No. 0017493)
THOMAS T. YATES (Reg. No. 0081840)
Mansour, Gavin, Gerlack & Manos Co., LPA
55 Public Square, Suite 2150
Cleveland, Ohio 44113
Telephone: (216) 523-1500
Facsimile: (216) 523-1705
Email: brinker@mggmlpa.com
tyates@mggmlpa.com

Attorneys for Plaintiff Williams Trucking, Inc.

/s/ Nicole D. Schaefer

ERIC LARSON ZALUD (0038959)
PETER N. KIRSANOW (0034196)
NICOLE D. SCHAEFER (0079202)
Benesch Friedlander Coplan & Aronoff LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378
Telephone: (216) 363-4500
Facsimile: (216) 363-4588
E-mail: ezalud@beneschlaw.com
pkirsanow@beneschlaw.com
nschaefer@beneschlaw.com

Attorneys for Defendant Nestle USA